

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

OBIE OBIE MASANGO,	:	Case No. 3:18-cv-161
	:	
Plaintiff,	:	
	:	
vs.	:	Magistrate Judge Sharon L. Ovington
	:	(By consent of the parties)
OFFICER MICHAEL SCHWARTZ,	:	
	:	
Defendant.	:	
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**DECISION AND ENTRY**

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This matter is before the Court upon Defendant’s Motion to Compel (Doc.#13), Plaintiff’s Reply (Doc. # 15) and Defendant’s Response (Doc. # 16). Defendant submits that he has served discovery requests upon Plaintiff and he has failed to fully respond. In particular, Defendant asserts that document requests and a copy of the video Plaintiff claims to have of the incident have not been turned over.

Plaintiff’s response states, “Due to disclosure of evidence before the trial date, I write to revoke the motion to compel by the defense counsel.” (Doc. # 15). During a phone call with defense counsel, Plaintiff advised that he was not going to provide the video or other discovery until the day of trial. (Doc. # 13).

Rule 26(b)(1) of the Federal Rules of Civil Procedure provides in part:

Unless otherwise limited by court order, the scope of discovery is as follows:  
Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense ....

Plaintiff is mistaken in his belief that he does not have to respond to discovery requests prior to trial. He does. Accordingly, Plaintiff is put on notice that he must respond to all outstanding discovery requests **on or before November 13, 2019**. Further, in the event that he fails to do so the Court may consider the imposition of sanctions including the exclusion of evidence or dismissal of the case for failure to prosecute.

**IT IS THEREFORE ORDERED THAT:**

Defendant's Motion to Compel (Doc. # 13) is GRANTED.

October 31, 2019

*s/Sharon L. Ovington*

Sharon L. Ovington

United States Magistrate Judge